

Military Rehabilitation and Compensation (Defence, Veterans’ and Families’ Acute Support Package) Instrument 2022

made under section 268B of the *Military Rehabilitation and Compensation Act 2004*

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Part 1 Preliminary

1 Name

 This instrument is the *Military Rehabilitation and Compensation (Defence, Veterans’ and Families’ Acute Support Package) Instrument 2022*.

3 Authority

 This instrument is made under section 268B of the *Military Rehabilitation and Compensation Act 2004*.

5 Simplified outline of this instrument

The Military Rehabilitation and Compensation Commission may grant an acute support package to a person who is:

(a) a member or former member; or

(b) a wholly dependent partner of a deceased member; or

(c) a former partner of a member or former member;

(d) a related person of a member or former member; or

(e) a parent or step‑parent of a deceased member, or a parent or step‑parent of a wholly dependent partner of a deceased member or a parent or step‑parent of another person who was the partner of a deceased member;

if the person meets certain eligibility criteria and the Commission is satisfied that it is appropriate to grant the package to assist the person to adjust to new and challenging life circumstances (section 7).

The Commission must prepare a support plan for the person that outlines, among other things, the persons who will be provided with assistance or benefits under the support plan, the kinds of assistance or benefits that will be provided, and the periods during which the assistance or benefits will be provided (section 8). The support plan may be varied or revoked by the Commission in the circumstances outlined in section 9.

Under an acute support package, assistance or benefits may be provided in the circumstances outlined in section 10. Additional counselling (section 11) and additional assistance or benefits in relation to children attending, or not yet attending, primary school may also be provided to certain persons (section 12).

6 Definitions

 (1) In this instrument:

Act means the Military Rehabilitation and Compensation Act 2004.

***acute support package***: see subsection 7(1).

***support plan***: see section 8.

 (2) In this instrument, a reference to a child of a member, former member or deceased member, includes a reference to:

(a) a stepchild of the member, former member or deceased member; and

(b) a person in respect of whom the member or former member stands, or the deceased member stood, in the position of a parent.

Part 2 Commission may grant acute support package

Division 1 Eligibility for acute support package

7 Commission may grant acute support package

 (1) The Commission may decide to grant a package (an ***acute support package***) of assistance or benefits to a person if:

(a) subsection (2), (3), (4), (5) or (6) applies to the person at the time the person’s eligibility for an acute support package is determined; and

(b) if the person has previously been granted an acute support package—either:

 (i) the period during which assistance or benefits for that acute support package may be provided has ended by operation of subsection 10(2); or

 (ii) the support plan has been revoked; and

(c) the Commission is satisfied that it is appropriate to grant an acute support package to the person to assist the person to adjust to new and challenging life circumstances.

Members or former members

 (2) This subsection applies to a person if the following criteria are satisfied:

(a) the person is a member or former member;

(b) the person is under 65 years of age;

(c) the person is receiving, or is eligible to receive, compensation for incapacity under Part 3 or 4 of Chapter 4 of the Act or a Special Rate Disability Pension;

(d) the Commission is satisfied that the person, or a related person of the person, is experiencing, or is at risk of experiencing, crisis.

Wholly dependent partners

 (3) This subsection applies to a person if the following criteria are satisfied:

(a) the person is a wholly dependent partner of a deceased member;

(b) the person is under 65 years of age;

(c) the deceased member’s death occurred no more than 2 years ago;

(d) either:

 (i) the deceased member’s death was related to service rendered by the member; or

 (ii) the Commission is satisfied that the deceased member’s death was a suicide related to service rendered by the member.

Former partners of members or former members

 (4) A person is covered by this subsection if the following criteria are satisfied:

(a) the person is a former partner of a member or former member;

(b) the person is under 65 years of age;

(c) the member or former member is receiving, or is eligible to receive, compensation for incapacity under Part 3 or 4 of Chapter 4 of the Act or a Special Rate Disability Pension;

(d) either or both of the following apply:

 (i) the person ceased being the member’s or former member’s partner within the previous 12 months;

 (ii) a child of the member or former member who is under 18 years of age lives with the person;

(e) the Commission is satisfied that the person is experiencing, or is at risk of experiencing, crisis.

Related people

 (5) This subsection applies to a person if the following criteria are satisfied:

(a) the person is a related person of a member or former member;

(b) the member or former member is under 65 years of age;

(c) the member or former member is receiving, or is eligible to receive, compensation for incapacity under Part 3 or 4 of Chapter 4 or a Special Rate Disability Pension;

(d) the Commission is satisfied that the person is experiencing, or is at risk of experiencing, crisis;

(e) the Commission is satisfied that the crisis, or the risk of experiencing crisis, is:

 (i) impacting or involving the member or former member; or

 (ii) connected to the member or former member’s wellbeing.

Parents or step‑parents in relation to a deceased member, etc, who are parenting a child of the deceased member under 18 years

 (6) This subsection applies to a person if the following criteria are satisfied:

(a) the person is a parent or step‑parent of:

 (i) a deceased member; or

 (ii) a wholly dependent partner of a deceased member; or

 (iii) another person who was the partner of a deceased member;

(b) the deceased member’s death occurred no more than 2 years before the day the person’s eligibility for an acute support package is determined;

(c) either:

 (i) the deceased member’s death was related to service rendered by the member; or

 (ii) the Commission is satisfied that the deceased member’s death was a suicide related to service rendered by the member;

(d) the Commission is satisfied that the person is parenting a child of the deceased member;

(e) at the time the person’s eligibility for the package is determined, the child is under 18 years;

(f) the Commission is satisfied that the person, or the child, is experiencing, or is at risk of experiencing, crisis.

Division 2 Support plan for acute support package

8 Commission must develop support plan

 (1) If the Commission grants an acute support package to a person, the Commission must prepare a plan (a ***support plan***) for the person.

Contents of support plan

 (2) The support plan must include the following:

(a) the people who are to be provided with assistance or benefits under the support plan;

(b) the kinds of assistance or benefits that the Commission is satisfied are appropriate to be provided to the people;

(c) the period or periods during which those assistance or benefits are to be provided;

(d) the providers that are to provide the assistance or benefits;

(e) the payment arrangements relating to the provision of the assistance or benefits;

(f) the day on which the support plan comes into effect.

People included in support plan

 (3) For the purposes of paragraph (2)(a), a person may be included in a support plan for an acute support package only if:

(a) the person has been granted the package; or

(b) if the package has been granted to a member or former member:

 (i) the person is a related person of the member or former member; and

 (ii) the Commission is satisfied that the person is experiencing, or is at risk of experiencing, crisis; or

(c) if the package has been granted to a wholly dependent partner of a deceased member:

 (i) the person is a child under 18 years of age of the deceased member; and

 (ii) the wholly dependent partner is parenting the child; and

 (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or

(d) if the package has been granted to a former partner of a member or former member:

 (i) the person is a child under 18 years of age of the member or former member; and

 (ii) the former partner is parenting the child; and

 (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or

(e) if the package has been granted to a parent or step‑parent of a deceased member:

 (i) the person is a child under 18 years of age of the deceased member; and

 (ii) the parent or step‑parent is parenting the child; and

 (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or

(f) if the package has been granted to a parent or step‑parent of a wholly dependent partner of a deceased member:

 (i) the person is a child under 18 years of age of the deceased member; and

 (ii) the parent or step‑parent is parenting the child; and

 (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis; or

(g) if the package has been granted to a parent or step‑parent of another person who was the partner of a deceased member (the ***former partner***):

 (i) the person is a child under 18 years of age of the deceased member; and

 (ii) the parent or step‑parent is parenting the child; and

 (iii) the Commission is satisfied that the child is experiencing, or is at risk of experiencing, crisis.

Kinds of assistance or benefits included in support plan

 (4) The kinds of assistance or benefits that may be included in a support plan for the purposes of paragraph (2)(b) are one or more of the following:

(a) child care services for a child who is attending, or not yet attending, primary school;

(b) counselling;

(c) household assistance;

(d) services to build capacity;

(e) academic and extra‑curricular support services for a child who is under 18 years of age;

(f) transport services in relation to assistance or benefits being provided under the support plan;

(g) equipment and other goods in relation to assistance or benefits being provided under the support plan;

(h) any other kind of assistance or benefits that the Commission is satisfied will assist the person being provided with the assistance or benefits to adjust to new and challenging life circumstances.

Child care service providers

 (5) For the purposes of paragraph (2)(d), a provider of child care services must not be included in a support plan unless the provider is:

(a) an approved child care service (within the meaning of the *A New Tax System (Family Assistance) (Administration) Act 1999*); or

(b) a person registered under section 73E of the *National Disability Insurance Scheme Act 2013* in relation to the provision of child care services.

9 Varying and revoking support plan

Varying support plan

 (1) The Commission may vary a support plan:

(a) on request by:

 (i) the person for whom the support plan was prepared; or

 (ii) a person who is included in the support plan; or

(b) on the Commission’s own initiative;

 if the Commission is satisfied that it is appropriate to do so.

Revoking support plan

 (2) The Commission must revoke a support plan that was prepared for a member, former member or former partner of a member or former member if the member or former member is no longer receiving, or is no longer eligible to receive, compensation for incapacity under Part 3 or 4 of Chapter 4 of the Act or a Special Rate Disability Pension.

 (3) The Commission may revoke a support plan if:

(a) either:

 (i) if the support plan was prepared for a member or former member—the Commission is satisfied that the member or former member is no longer experiencing, or is no longer at risk of experiencing, crisis; or

 (ii) if the support plan was prepared for a person mentioned in subsections 7(3) to (6)—the Commission is satisfied that the person is no longer experiencing, or is no longer at risk of experiencing, crisis; or

(b) a person who is included in the support plan does not comply with a request made to the person under section 13; or

(c) the Commission is satisfied that, as a result of new and challenging life circumstances, it is appropriate for the support plan to be revoked in order for the Commission to grant a further acute support package to the person for whom the support plan was prepared.

Effect of revocation

 (4) If a support plan is revoked, assistance or benefits must no longer be provided under the support plan.

Division 3 Conditions and limits on assistance or benefits

10 Assistance or benefits generally

 (1) Subject to sections 11 and 12, the total value of assistance or benefits that may be included in a support plan is:

(a) for a support plan prepared for a member, former member or former partner of a member or former member, or a related person of a member or former member:

 (i) a maximum of $7,500 in relation to one or more periods during which assistance or benefits are to be provided that add up to 12 months; and

 (ii) if the 12 month period referred to in subparagraph (i) has been accumulated—a maximum of $5,000 in relation to one or more periods during which assistance or benefits are to be provided that add up to a further 12 months; and

(b) for a support plan prepared for a wholly dependent partner of a deceased member—a maximum of $27,835 every 12 months for a continuous 24‑month period starting on the day the support plan comes into effect; and

(c) for a support plan prepared for a parent or step‑parent mentioned in paragraph 8(3)(e), (f) or (g)—a maximum of $27,835 every 12 months for a continuous 24‑month period starting on the day the support plan comes into effect.

 (2) Despite subsection (1), the period during which assistance or benefits included in a support plan for the purposes of this section may be provided ends immediately after:

(a) for a support plan prepared for a member, former member, former partner of a member or former member, or for a related person of a member or former member—the earlier of:

 (i) the end of the further 12 month period referred to in subparagraph (1)(a)(ii); or

 (ii) the end of a 48‑month period starting on the day the support plan comes into effect; or

(b) for a support plan prepared for a wholly dependent partner of a deceased member—the end of the 24‑month period mentioned in paragraph (1)(b); or

(c) for a support plan prepared for a parent or step‑parent mentioned in paragraph 8(3)(e), (f) or (g) —the end of the 24‑month period mentioned in paragraph (1)(c).

11 Additional counselling

 (1) In addition to section 10, assistance or benefits may be included in a support plan prepared for a member, former member, former partner of a member or former member or a related person of a member or former member in the form of a maximum of 4 courses of counselling every 12 months for a continuous 36 month period.

 (2) The 36 month period starts on the day after the end of the period referred to in paragraph 10(2)(a) in relation to the support plan.

12 Additional assistance or benefits in relation to children

 (1) This section applies if a person who is included in a support plan for the purposes of paragraph 8(2)(a) is a child who is attending, or not yet attending, primary school.

 (2) In addition to section 10, assistance or benefits may be included in the support plan in relation to the child for a continuous periodstarting on the later of:

(a) the day the support plan comes into effect; or

(b) the day the child is included in the support plan for the purposes of paragraph 8(2)(a);

 and ending on the first anniversary of the start of the period that occurs after the child has completed primary school.

 (3) The value of assistance or benefits included in the support plan in relation to the child must not exceed:

(a) until the first‑occurring anniversary of the start of the period for which the child is attending primary school—$10,000 every 12 months; and

(b) thereafter until the period ends—$5,000 every 12 months.

 (4) Assistance or benefits provided under this section do not count towards the maximum amounts or periods referred to in section 10.

Division 4 Other matters

13 Commission may request information

 The Commission may request information from a person who is included in a support plan for an acute support package in relation to the provision of assistance or benefits included in that support plan.

Note Failure to comply with a request may result in the revocation of the support plan (see paragraph 9(3)(b)).

Division 5 Operation of certain provisions—MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024

14 Operation of paragraphs 7(5)(b) and 8(3)(b) during relevant period

 (1) This section applies in relation to the determination of a person’s eligibility, made during the relevant period:

(a) for the granting of an acute support package under section 7 (a ***relevant determination***); or

(b) for the person’s inclusion in a support plan under section 8 (a ***relevant determination***).

 (2) An amendment made by the following provisions of the amending instrument is taken to have effect in relation to a relevant determination:

(a) item 8 of schedule 1 (which substitutes paragraph 7(5)(b));

(b) item 15 of schedule 1 (which inserts new paragraph 8(3)(b)).

 (3) However, the amendment does not affect a relevant determination made before the day after the registration day if giving effect to the amendment would:

(a) affect a person’s rights as at the registration day so as to disadvantage the person; or

(b) impose liabilities on a person in respect of anything done or omitted to be done before the registration day.

 (4) In this section:

***amending instrument*** means the MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024.

***registration day*** means the day the amending instrument is registered under section 15H of the *Legislation Act 2003*.

***relevant period*** means the period beginning on 1 July 2023 and ending at the end of the registration day.

Notes

This compilation comprises Military Rehabilitation and Compensation (Defence, Veterans’ and Families’ Acute Support Package) Instrument 2022 amended as indicated in the following tables.

Table of instruments

| Name | Registration | Number | Commencement | Application, saving or transitional provisions |
| --- | --- | --- | --- | --- |
| Military Rehabilitation and Compensation (Defence, Veterans’ and Families’ Acute Support Package) Instrument 2022 | 13 October 2022 | F2022L01341 | 14 October 2022 | – |
| Military Rehabilitation and Compensation (Defence, Veterans’ and Families’ Acute Support Package) Amendment (2023 Expansion of Acute Support Package) Instrument 2023 | 30 June 2023 | F2023L00937 | 1 July 2023 |  |
| MRCA and DRCA (Defence, Veterans’ and Families’ Acute Support Package) Amendment Instrument 2024 | 14 November 2024 | F2024L01420 | Sch 1: 15 Nov 2024 (s 2) |  |

Table of amendments

|  |
| --- |
| ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted |
| Provision affected | How affected |
| **Part 1** |  |
| s 2  | rep. *Legislation Act 2003*, s. 48D [auto repeal of commencement provision] |
| s 4  | rep. *Legislation Act 2003*, s. 48C [auto repeal of repeal provision] |
| s 5  | rs F2023L00937 |
| **Part 2** |  |
| **Division 1** |  |
| s 7  | am F2023L00937; F2024L01420 |
| **Division 2** |  |
| s 8  | am F2023L00937; F2024L01420 |
| s 9  | am F2023L00937 |
| **Division 3** |  |
| s 10  | am F2023L00937; F2024L01420 |
| s 11  | am F2023L00937 |
| **Division 5** |  |
| Division 5  | ad F2024L01420 |
| s 14  | ad F2024L01420 |
| Sch 1  | rep. *Legislation Act 2003*, s. 48C [auto repeal of repeal provision] |